

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION OF }
MICHIGAN, } Case No. 5:17-CV-11149-JEL-EAS
Plaintiff, } Judge Judith E. Levy
v. } Magistrate Judge Elizabeth A. Stafford
U.S. DEPARTMENT OF HOMELAND }
SECURITY and U.S. CUSTOMS AND }
BORDER PROTECTION, }
Defendants.)

**AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN'S MOTION TO
ADJOURN HEARING**

Plaintiff American Civil Liberties Union of Michigan (“Plaintiff”), through their attorneys, respectfully requests an order adjourning the January 28, 2019 Miscellaneous Hearing and in support states as follows:

1. On October 26, 2017, the Court ordered the parties to submit supplemental briefing on two issues: the production of native Microsoft Excel files and the production of records from Defendants’ TECS system database.
2. The parties completed their supplemental briefing in December 2017: Plaintiff submitted its supplemental brief on November 9, 2017; Defendants responded on November 28, 2017; and Plaintiff filed a reply brief on December 8, 2017.

3. Since the completion of the supplemental briefing, the parties have engaged in good faith efforts to resolve the issues identified and discussed in the supplemental briefing as well as other points of disagreement between the parties.

4. The parties provided periodic joint status reports to update the Court on these efforts and the ongoing rolling document productions. On November 30, 2018, the parties filed the most recent Joint Status Report (the “November 2018 JSR”). In the November 2018 JSR, the parties summarized continued disagreement on a number of issues, including those fully briefed in the supplemental briefing.

5. On December 12, 2018, the Court issued a Notice to Appear ordering the parties to appear for a Miscellaneous Hearing regarding the November 2018 JSR.

6. On January 11, 2019, counsel for Plaintiff reached out to counsel for Defendants to discuss case status and to seek a joint adjournment of the pending hearing. Counsel for Plaintiff received an automatic reply from counsel for Defendants stating that “[t]he appropriation that funds [her] salary has lapsed, and as a result [she has] been furloughed and [is] currently out of the office.”

WHEREFORE, Plaintiff respectfully requests that this Court enter an order adjourning the Miscellaneous Hearing for two months, setting the hearing for Thursday, March 28, 2019, or as soon thereafter as the parties may be heard.

Respectfully submitted,

By: /s/ Andrew M. Pauwels
Gabriel E. Bedoya (P80839)
Andrew M. Pauwels (P79167)
2290 First National Building
600 Woodward Avenue
Detroit, Michigan 48226
(313) 465-8046
gbedoya@honigman.com
apauwels@honigman.com

Dated: January 11, 2019

Michael J. Steinberg (P43085)
Kary Moss (P49759)
American Civil Liberties Union
Fund of Michigan
2966 Woodward Avenue
Detroit, Michigan 48201
(313) 578-6800
msteinberg@aclumich.org

Miriam J. Aukerman (P63165)
American Civil Liberties Union Fund of
Michigan
1514 Wealthy SE, Suite 242
Grand Rapids, MI 49506
(616) 301-0930
maukerman@aclumich.org

*Attorneys for Plaintiff American Civil
Liberties Union of Michigan*

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION OF }
MICHIGAN, } Case No. 2:17-CV-11149-JEL-EAS
Plaintiff, } Judge Judith E. Levy
v. } Magistrate Judge Elizabeth A. Stafford
U.S. DEPARTMENT OF HOMELAND }
SECURITY and U.S. CUSTOMS AND }
BORDER PROTECTION, }
Defendants.)

**BRIEF IN SUPPORT OF AMERICAN CIVIL LIBERTIES UNION OF
MICHIGAN'S MOTION TO ADJOURN HEARING**

For its Brief in Support of its Motion to Adjourn Hearing, Plaintiff American Civil Liberties Union of Michigan relies on Fed. R. Civ. P. 6(b) and its Motion.

Respectfully submitted,

By: /s/ Andrew M. Pauwels
Gabriel E. Bedoya (P80839)
Andrew M. Pauwels (P79167)
2290 First National Building
600 Woodward Avenue
Detroit, Michigan 48226
(313) 465-8046
gbedoya@honigman.com
apauwels@honigman.com

Dated: January 11, 2019

Michael J. Steinberg (P43085)
Kary Moss (P49759)
American Civil Liberties Union
Fund of Michigan
2966 Woodward Avenue
Detroit, Michigan 48201
(313) 578-6800
msteinberg@aclumich.org

Miriam J. Aukerman (P63165)
American Civil Liberties Union Fund of
Michigan
1514 Wealthy SE, Suite 242
Grand Rapids, MI 49506
(616) 301-0930
maukerman@aclumich.org

*Attorneys for Plaintiff American Civil
Liberties Union of Michigan*

CERTIFICATE OF SERVICE

This is to certify that on January 11, 2019, a copy of the foregoing was electronically filed with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

Respectfully submitted,

By: /s/ Andrew M. Pauwels
Gabriel E. Bedoya (P80839)
Andrew M. Pauwels (P79167)
2290 First National Building
600 Woodward Avenue
Detroit, Michigan 48226
(313) 465-8046
gbedoya@honigman.com
apauwels@honigman.com

Dated: January 11, 2019